

# United States District Court

SOUTHERN

NEW YORK

DISTRICT OF \_\_\_\_\_

MASON TENDERS DISTRICT COUNCIL  
WELFARE FUND, et al.,

Plaintiffs,

## SUMMONS IN A CIVIL ACTION

v.

CASE NUMBER 07

07 CV 6600

YORK HUNTER INC., YORK HUNTER MANAGEMENT LLC,  
KENNETH CALAO d/b/a YORK HUNTER MANAGEMENT LLC,  
and KENNETH CALAO,

Defendants.

Judge Pauley

TO: (Name and Address of Defendant)

YORK HUNTER INC.  
1372 BROADWAY, 17TH FLOOR  
NEW YORK, NEW YORK 10018

YORK HUNTER MANAGEMENT LLC  
1372 BROADWAY, 17TH FLOOR  
NEW YORK, NEW YORK 10018

**YOU ARE HEREBY SUMMONED** and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

GORLICK, KRAVITZ & LISTHAUS, P.C.  
17 STATE STREET, 4TH FLOOR  
NEW YORK, NEW YORK 10004

20

an answer to the complaint which is herewith served upon you, within \_\_\_\_\_ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

**J. MICHAEL McMAHON**

JUL 23 2007

CLERK

DATE



BY DEPUTY CLERK

# United States District Court

SOUTHERN

NEW YORK

DISTRICT OF \_\_\_\_\_

MASON TENDERS DISTRICT COUNCIL  
WELFARE FUND, et al.,

Plaintiffs,

## SUMMONS IN A CIVIL ACTION

V.

CASE NUMBER: 07 CV

YORK HUNTER INC., YORK HUNTER MANAGEMENT LLC,  
KENNETH CALAO d/b/a YORK HUNTER MANAGEMENT LLC,  
and KENNETH CALAO,

Defendants.

TO: (Name and Address of Defendant)

KENNETH CALAO d/b/a/ YORK HUNTER MANAGEMENT LLC  
1372 BROADWAY, 17TH FLOOR  
NEW YORK, NEW YORK 10018

KENNETH CALAO  
1372 BROADWAY, 17TH FLOOR  
NEW YORK, NEW YORK 10018

**YOU ARE HEREBY SUMMONED** and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

GORLICK, KRAVITZ & LISTHAUS, P.C.  
17 STATE STREET, 4TH FLOOR  
NEW YORK, NEW YORK 10004

20

an answer to the complaint which is herewith served upon you, within \_\_\_\_\_ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

✓ 9/21/2007 (HJM/MS)

CLERK

DATE

BY DEPUTY CLERK

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MASON TENDERS DISTRICT COUNCIL  
WELFARE FUND, et al.,  
Plaintiff(s),

JUDGE PAULEY  
Index No. 07 CV 6600

-against-  
YORK HUNTER INC., et al.,  
Defendant(s).

AFFIDAVIT OF SERVICE

-----X  
STATE OF NEW YORK )  
S.S.:  
COUNTY OF NEW YORK)

DARRYL A. GREEN, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 23<sup>rd</sup> day of August 2007, at approximately 9:05 p.m., deponent attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT AND JUDGES' RULES** upon Kenneth Calao d/b/a York Hunter Management LLC at 20 West 64<sup>th</sup> Street, Unit 38B, New York, NY 10023. No answer was received when the doorman called the apartment. The doorman refused to confirm the name.

That on the 25<sup>th</sup> day of August 2007, at approximately 5:10 p.m., deponent again attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT AND JUDGES' RULES** upon Kenneth Calao d/b/a York Hunter Management LLC at 20 West 64<sup>th</sup> Street, Unit 38B, New York, NY 10023, again no answer was received when the doorman called the apartment.

That on the 27<sup>th</sup> day of August 2007, at approximately 8:48 a.m., deponent again attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT AND JUDGES' RULES** upon Kenneth Calao d/b/a York Hunter Management LLC at 20 West 64<sup>th</sup> Street, Unit 38B, New York, NY 10023, again no answer was received when the doorman called the apartment.

That on the 1<sup>st</sup> day of September 2007, at approximately 10:50 a.m., deponent again attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT AND JUDGES' RULES** upon Kenneth Calao d/b/a York Hunter Management LLC at 20 West 64<sup>th</sup> Street, Unit 38B, New York, NY 10023. The doorman told deponent that tenants are away for the weekend.

That on the 5<sup>th</sup> day of September 2007, at approximately 7:41 p.m., deponent again attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT AND JUDGES' RULES** upon Kenneth Calao d/b/a York Hunter Management LLC at 20 West 64<sup>th</sup> Street, Unit 38B, New York, NY 10023, again no answer was received when the doorman called the apartment.

That on the 7<sup>th</sup> day of September 2007, at approximately 8:27 a.m., deponent again attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT AND JUDGES' RULES** upon Kenneth Calao d/b/a York Hunter Management LLC at 20 West 64<sup>th</sup> Street, Unit 38B, New York, NY 10023, again no answer was received when the doorman called the apartment.

That on the 12<sup>th</sup> day of September 2007, at approximately 8:45 a.m., deponent again attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT AND JUDGES' RULES** upon Kenneth Calao d/b/a York Hunter Management LLC at 20 West 64<sup>th</sup> Street, Unit 38B, New York, NY 10023, again no answer was received when the doorman called the apartment. The doorman refused access to post the papers on the door of Mr. Calao's apartment.

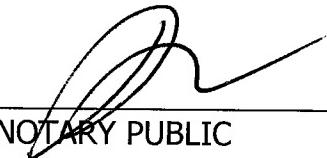
At that time, therefore, deponent served a true copy of the aforementioned papers upon Kenneth Calao d/b/a York Hunter Management LLC by personally delivering and leaving the same with, The doorman, a person of suitable age and discretion at that address, the actual place of residence. At the time of service, deponent asked if Kenneth Calao is in active military service for the United States of America or for the State in any capacity whatever or dependent upon a person in active military service and received a negative reply.

The doorman is a black male, approximately 60 years of age, stands approximately 5 feet 8 inches tall and weighs approximately 160 pounds with gray hair and brown eyes.

That on the 12<sup>th</sup> day of September 2007, deponent served another true copy of the foregoing upon Kenneth Calao d/b/a York Hunter Management LLC at 20 West 64<sup>th</sup> Street, Unit 38B, New York, NY 10023, by first class mail, by enclosing a true copy thereof in a securely sealed and postpaid envelope with the words "PERSONAL AND CONFIDENTIAL" written on the same envelope, and not indicating on the outside that is from an attorney or concerns an action against the person to be served, and depositing the same into an official depository maintained by the Government of the United States, City and State of New York.

  
DARRYL A. GREEN #0866535

Sworn to before me this  
14<sup>th</sup> day of September, 2007

  
NOTARY PUBLIC

HOWARD DANIEL GOLDMAN  
NOTARY PUBLIC - STATE OF NEW YORK  
NO. 01GO5062405  
QUALIFIED IN NEW YORK COUNTY  
MY COMMISSION EXPIRES JULY 1, 2010